

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 05 2013 ★

LONG ISLAND OFFICE

CHARLES WILLIAMS,
BLACK HAND ENTERTAINMENT,
Plaintiffs

CV-13-1459(JS)(ETB)

v
VIACOM, INC., BET NETWORKS, A&E
TELEVISION NETWORKS, I TUNES CORPORATE/APPLE
COMPUTER INC, NETFLIX CORPORATE, A.SMITH &
CO. PRODUCTIONS,
Defendants

OPPOSITION TO DEFENDANT'S MOTION TO DISMISS
PLAINTIFFS FIRST AMENDED COMPLAINT

RECEIVED

05 2013

NY PRO SE OFFICE

Now comes Plaintiffs, Charles Williams and Black Hand Entertainment, in opposition to Defendants', May 24, 2013 motion to dismiss Plaintiffs first amended complaint:

A. Standards of Review

(1)(2)The federal court clearly has jurisdiction, and Defendants are properly being served summons and complaints by order of this court via the United States Marshalls. (Copies of Marshall Process Receipts and Returns are herein attached). Defendants argument here is invalid and moot.

(3) Plaintiff has clearly stated a claim and incorporates, adopts all the arguments demonstrated in all prior pleadings in this matter.

(4) Plaintiffs submit the Release Agreement is improperly submitted at this time and should not be considered as it is outside the rules required, and even if accepted, this agreement is solely a performance/interview release form, and has no bearing on a copyright attached to story rights and the copyright infringement attached to those rights.

B. (1) Plaintiffs filed a timely Amended Complaint. The dates as calculated by Plaintiff would be calculated from the final dismissal motion by Defendants and would create two (2) dates, May 17, 2013 and June 6, 2013. The Amended Complaint was filed on May 3, 2013, prior to the deadline:

4/08/2013 – Black Entertainment Television, A. Smith & Properties, and Apple Inc. filed a motion to dismiss and memorandum of law.

4/15/2013 – Netflix filed a motion to dismiss with a memorandum of law.

4/26/2013 – All the above mentioned Defendants filed a Reply in Support of the Motion to Dismiss.

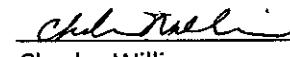
Therefore, those Defendants, 21 day count would start from 4/26/2013 and would set the deadline date at 5/17/2013. On 5/16/2013, A&E Television Networks and Viacom filed a Motion to Dismiss with a memorandum of law, which would set their 21 day deadline as 6/06/2013.

(2) Additionally, prior to service of summonses, no permission is needed from the court to file an Amended Complaint.

- C. (1) Plaintiffs have conceded nothing by filing an Amended Complaint. The purpose and historical legal intent of the amended complaint is self evident, and has no automatic interpretation. Plaintiff will request the Defendants to provide the John Doe legal name during the discovery process. Finally, Black Hand Entertainment is not doing business as a corporation at this time, and Plaintiff, Charles Williams, is the owner of the property of Black Hand Entertainment.
(2) Plaintiffs served Defendants with a courtesy copy of the Amended Complaint. Plaintiffs properly delivered the original to the Pro Se Clerk's office as is required and instructed. Plaintiff inadvertently left Viacom out of the Amended Complaint, however, Best Buy is mentioned in the list of Defendants but left out in the caption.
(3) Plaintiff has not contradicted any facts in the Amended Complaint, and has not removed or modified except for clarity certain facts.
(4) Black Hand is properly included into the Amended Complaint as to the contract and claim for unfair business practice. There is a possible copyright ownership in that Plaintiff, Charles Williams, was the sole owner of the corporation and authorized signer for the corporation.
(5) The "Appearance" Consent and Release form, by whatever name, Defendants choose to call it is simply a performance/interview agreement only and Plaintiffs are not arguing the copyright inherent in an interview. Plaintiffs are claiming copyright infringement of the story rights.

For all the above reasons, the Defendants motion to dismiss the First Amended Complaint should be denied.

Dated: June 5, 2013


Charles Williams
Black Hand Entertainment
Plaintiffs

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"



PLAINTIFF Charles Williams	COURT CASE NUMBER 13cv1459(JS)(ETB)
DEFENDANT Viacom, Inc. et. al.	TYPE OF PROCESS S&C

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
AT BET Networks
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
 555 W. 57th, Street New York, NY 10019

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285 1
Charles Williams, Pro Se 4 Naomi Court Melville, NY 11747	Number of parties to be served in this case 7
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of attorney or other Originator requesting service on behalf of	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	631-712-6010	4/25/13

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
---	---------------	---------------------------------	--------------------------------	--	------

I hereby certify and return that I have personally served have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
--	--

Address (complete only different than shown above)	Date 4/25/13	Time 11:00	<input type="checkbox"/> am <input checked="" type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy		

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to U.S. Marshal (Amount of Refund)
					\$0.00

REMARKS

PRINT 5 COPIES

- 1 CLERK OF THE COURT
- 2 USMS RECORD
- 3 NOTICE OF SERVICE
- 4 BILLING STATEMENT* To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptiy payable to U.S. Marshal
- 5 ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Charles Williams	COURT CASE NUMBER 13cv1459(JS)(ETB)
DEFENDANT Viacom, Inc. et al.	TYPE OF PROCESS S&C

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
	1 Tunes Corporate/Apple Computer Inc. ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 10500 N. Anza Blvd., Cupertino, CA 95014

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285
Charles Williams, Pro Se 4 Naomi Court Melville, NY 11747	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Folio

Folio

Signature of Attorney other Originator requesting service on behalf of	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	631-712-6010	4/25/13

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	No 52	No 72	No 72		7-26-13

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described or the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date <input type="checkbox"/> 1/11/13 Time <input type="checkbox"/> am <input checked="" type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount received from U.S. Marshal or Amount of Payment
					\$0.00

REMARKS:

PRINTED PURPOSES

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment. If any amount is owed Please remit promptly payable to U.S. Marshal
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for Service of Process by U.S. Marshal

7

PLAINTIFF Charles Williams	COURT CASE NUMBER 13cv1459(JS)(ETB)
DEFENDANT Viacom, Inc. et. al.	TYPE OF PROCESS S&C

SERVE { NAME OF INDIVIDUAL, COMPANY, CORPORATION ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
AT { A. Smith & Co. Productions
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
 9911 West Pico Blvd, Ste 250, Los Angeles, CA 90035

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	1
Charles Williams, Pro Se 4 Naomi Court Melville, NY 11747	Number of parties to be served in this case	7
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

TIPS

TIPS

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	631-712-6010	4/25/13

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 53	District to Serve No. X1	Signature of Authorized USMS Deputy or Clerk	Date 4-26-13
---	---------------	------------------------------	-----------------------------	--	-----------------

I hereby certify and return that I have personally served have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
--	--

Address (complete only different than shown above)	Date	Time
	7/1/11	<input type="checkbox"/> am <input checked="" type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy	

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owing to U.S. Marshal or Amount of Refund
					\$0.00

REMARKS

PRINTED COPIES

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT* To be returned to the U.S. Marshal with payment if any amount is owed. Please remit promptly payable to U.S. Marshal
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

CERTIFICATE OF SERVICE

CHARLES WILLIAMS,
BLACK HAND ENTERTAINMENT,
Plaintiffs

-vs-

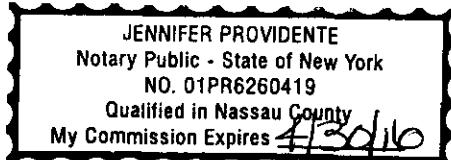
CV-13-1459(JS)(ETB)

VIACOM, BLACK ENTERTAINMENT TELEVISION NETWORKS
A&E TELEVISION NETWORKS
APPLE COMPUTER INC
NETFLIX CORPORATE
AMAZON CORPORATE
A.SMITH & CO. PRODUCTIONS,
Defendants

I, Charles Williams, hereby certify that defendants listed hereafter, and the law office of Greenberg Traurig, LLP, 1840 Century Park East, Suite 1900, Los Angeles, CA 90067, have been served Plaintiffs opposition to dismissal for of First Amended Complaint, in the above captioned matter thru the United States Postal Service.

charles
Charles Williams, Pro se
Black Hand Entertainment
Plaintiffs

SWORN TO BEFORE ME, THIS 5, DAY, OF JUNE, 2013



JP